
Appeal Decision

Site visit made on 30 September 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2025

Appeal Ref: APP/V5570/W/25/3362983

Lower Ground Rear, 187 Caledonian Road, London N1 0SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by 187 Caledonian Road Limited against the Council of the London Borough of Islington.
 - The application Ref is P2024/2755/FUL.
 - The development proposed is to convert ancillary space into a dwelling (use class C3).
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Decision

1. The appeal is dismissed and planning permission to convert ancillary space into a dwelling (use class C3) is refused.

Preliminary Matters

2. At my site visit I observed that the development had commenced and was substantially complete. However, I noted some differences between the submitted plans and the development which had been carried out. For the avoidance of doubt, I have therefore determined the appeal on the basis of the proposed plans.

Background and Main Issues

3. The appeal has been made against the failure of the Council to determine the application within the prescribed period. Within its Appeal Statement the Council indicated that it would have refused planning permission and gave putative reasons for refusal which form the basis of the main issues of the appeal.
4. Therefore, the main issues are:
 - Whether the proposed development provides adequate living conditions for future occupiers with particular regard to the provision of light, outlook, privacy, ventilation, provision of accessible homes and the provision of private outdoor space;
 - The effect of the proposed development on the living conditions of the neighbouring occupiers of the lower ground floor flat at 185 Caledonian Road (No 185), with particular regard to the reduction in residential floorspace and privacy
 - Whether sufficient information has been provided to demonstrate that the proposed development would not compromise the structural integrity of the appeal property and neighbouring properties;

- Whether the proposed development makes an appropriate contribution towards affordable housing provision and carbon offsetting, and whether the development would be car-free; and
- The effect of the proposed development on the provision of commercial floorspace and the viability, character and vitality of the Caledonian Road Local Shopping Area (the LSA).

Reasons

5. The appeal site 187 Caledonian Road comprises a four storey, mid-terrace building. It has an existing commercial unit on the ground floor, with residential flats above. The appeal relates to the lower ground floor of the building and seeks approval for conversion and change of use to provide a self-contained residential unit.

Living Conditions – Future Occupiers

6. Policy H4 of the Islington Local Plan Strategic and Development Management Policies, adopted September 2023 (the SDMP) requires new housing developments to provide comfortable, functional, adaptable and usable space that has a good standard of amenity for occupiers of all ages.
7. Policy H5 of the SDMP requires all new dwellings to be provided with good quality private outdoor amenity space. Policy H5(d) states that for a ground floor dwelling for 1-2 persons, that 15m² of private garden space should be provided. There is no specific minimum standard for basement accommodation provided in the policy. However, the supporting text to the policy states that higher standards should be required for ground floor dwellings, which, for the avoidance of doubt, includes units fully or partly within basements. There is therefore an expectation that basement dwellings will have access to private garden space.
8. The appeal proposal does not provide any private external amenity space, instead it would provide access to a shared courtyard. In this regard, Policy H5(f) states that communal provision in lieu of private outdoor space will only be acceptable where (i) the provision of individual private outdoor space is considered likely to cause significant adverse impacts related to overlooking and noise, both within and external to the development; ii) the provision of communal outdoor space would lead to a higher quality scheme overall; (iii) the level of communal space provided is commensurate with the type and size of the accommodation and the households it is intended to serve; and (iv) access to communal space is not restricted, particularly on the basis of the tenure of residential units.
9. In this particular case the access to a communal garden area is shared with the lower ground floor flat of No.185. However, due to its relationship with the main living accommodation of both flats it would not be likely to provide a good standard of amenity due to overlooking and potential for noise disturbance to occur. Therefore, it would not lead to a higher quality overall scheme. Therefore, the proposed development would not provide adequate private external amenity space for future occupiers of the flat.
10. The proposed layout of that flat includes large, glazed doors which face out onto a shared courtyard. The position of these doors affords relatively unobstructed views of the rear glazed doors of the neighbouring property. The appellant states that it

would be possible to mitigate these effects by installing appropriate screening and planting to reduce direct views. However, I have not been provided any details of such measures and therefore it is not possible to conclude that this would deliver acceptable levels of privacy. Furthermore, due to the relationship of the windows to each other, it has not been demonstrated that adequate privacy could be achieved without harming outlook or light into the dwelling.

11. The proposed studio accommodation would be dual aspect, incorporating two high-level windows and a large, glazed doorway opening. The two high-level windows would be positioned only marginally above the rear garden level and as such would offer a limited and poor-quality outlook. While a large, glazed doorway facing a shared courtyard would provide a better outlook, given the potential need for additional privacy measures to address intervisibility with neighbouring properties, this would be likely to further reduce the quality of outlook. Therefore, on balance, it has not been demonstrated that the proposal would provide satisfactory living conditions in respect of outlook.
12. In respect of light, the appeal is supported by a Daylight and Sunlight Assessment¹ which demonstrates that the main habitable accommodation areas would exceed the typical recommendations in the BRE Guidelines. Therefore, I find that the dwelling would provide adequate natural light for future occupiers.
13. Although included within the putative reasons for refusal, the Council has not identified any specific concerns in relation to ventilation. Based on the provision of two high-level windows and a large door opening I am satisfied that the dwelling would provide adequate ventilation for future occupiers.
14. Policy PLAN1 of the SDMP states that developments must provide places and spaces that are convenient, accessible and enjoyable for everyone to use. Policy H4(b) of the SDMP states that housing must be built to be accessible and adaptable to meet changing occupier circumstances over the lifetime of the development. Whilst the supporting text to the policy recognises the challenges of achieving accessible and inclusive spaces when the new dwelling forms part of an existing building, there is nevertheless an expectation that regard should be had to what is reasonably achievable within the existing structure. Therefore, whilst I acknowledge that the new dwelling is located within the lower ground floor of an existing building, there is no substantive evidence to demonstrate that development has sought embed the principles of accessible and inclusive design.
15. Taking into account all of the above, whilst I have found that the proposed development would be acceptable in relation to light and ventilation, I conclude that the development fails to provide adequate living conditions for future occupiers with particular regard to outlook, provision of external amenity space, privacy, and accessible and inclusive design. Thus, it would be contrary to Policies PLAN 1, H4 and H5 of the SDMP which requires amongst other things, new housing developments to provide comfortable, functional, adaptable and usable space that has a good standard of amenity for occupiers of all ages

¹ Prepared by Erban Consulting dated June 2024

Living Conditions – Neighbouring Occupiers

16. My attention has been drawn to planning application², which was submitted for the adjoining building, which shows part of the appeal site to be used as a 'store' for the adjoining lower ground floor flat at No 185. However, it is unclear from the evidence before me whether this application has been implemented and the store provided.
17. Nonetheless, based on the plans which have been provided, the accommodation within the adjoining flat appears to exceed the minimum floorspace requirements for a studio. Therefore, even if the storage space was to be removed, I find that it would not cause adverse harm to the living conditions of the occupiers of this flat, with particular regard to the provision of residential floorspace.
18. As noted above, both No. 185 and the proposed development incorporate large, glazed doors facing onto a shared courtyard. This arrangement allows relatively direct views into the rear glazed doors of the neighbouring flat, raising concerns about the effect of the proposed development on privacy of the neighbouring occupiers of this flat. The appellant has suggested that screening or planting could mitigate these impacts. However, no specific details have been provided, and it has not been demonstrated that such measures would achieve acceptable levels of privacy. Moreover, due to the positioning of the windows, it remains unclear whether adequate privacy could be secured without adversely affecting the outlook or natural light into the property.
19. For these reasons, whilst I have found that the development would not result in a harmful reduction in residential floorspace, it would cause harm to the living conditions of the lower ground flat of No 185, with particular regard to privacy. Thus, it would be contrary to Policy PLAN1 of the SDMP which requires amongst other things, a good level of amenity with due consideration of privacy and overlooking.

Land Stability

20. Policy DH4 of the SDMP states that applicants proposing basement development must provide evidence of the impact of basement development in the form of a Structural Method Statement (SMS).
21. I acknowledge that it is disputed between the main parties as to whether the basement has been excavated or whether the basement already existed. The Council has made reference to the extensive planning history of this and the adjoining property, which points to inconsistencies regarding the extent of the basement accommodation which existed prior to the recent works being carried out. The Council also states that they observed evidence of excavation during their site visit.
22. Accordingly, whilst I acknowledge that the available evidence is not definitive, I cannot be satisfied that excavation works have not taken place within the basement. Consequently, I find that it has not been demonstrated that the development accords with Policy DH4 of the SDMP.

² Planning Application Ref: P2023/1959/PRA

Planning Obligation

23. The Council's Appeal Statement sets out that if they had been minded to grant planning permission a legal agreement would have been required to secure planning obligations to make the development acceptable. The requested obligations include an affordable housing contribution, a carbon off-setting contribution and a requirement for the development to be car-free.
24. Policy H3 of the Local Plan states that developments providing fewer than 10 residential units are required to provide a financial contribution to fund the development of affordable housing off-site. The Council has confirmed that the contribution required is £50,000. However, whilst the appellant has confirmed that they are willing to provide this contribution, there is no mechanism before me to secure this contribution.
25. Policy S4 of the SDMP states that all new residential developments to be net zero carbon. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall must be provided through a cash in lieu contribution to Islington's carbon offset fund. All major developments and minor new build developments of one unit or more will be required to pay the full cost of offsetting the remaining regulated emissions, unless it can be demonstrated that this is not viable, in which case the maximum viable payment for offsetting will be required based on a viability assessment. Such payments will be secured through a legal agreement. The Council has confirmed that a financial contribution of £1,000 would be required. However, whilst the appellant has confirmed that they are willing to provide this contribution, there is no mechanism before me to secure this contribution.
26. Policy T3 of the SDMP requires all new developments to be car free. The proposed development does not include any on-site car parking provision. The Council has confirmed that had the development had been otherwise acceptable, this would have been secured the additional units as car-free by way of condition or legal agreement. However, whilst the appellant has confirmed that they are willing to provide this contribution, there is no mechanism before me to secure this contribution.
27. The Procedural Guide: Planning Appeals – England requires the appellant, to submit an executed and certified copy of any planning obligation at the time of making their appeal. It explains that the Inspector will not delay the issue of a decision to wait for an obligation to be executed unless there are very exceptional circumstances. I am not aware of any such circumstances in this case.
28. Therefore, I conclude that the proposal fails to make an adequate contribution to affordable housing, carbon offsetting or to ensuring the development would be car-free. Thus, it conflicts with the aims of Policy H4 of the London Plan, and Policies H3, S4 and T3 of the SDMP.

Provision of Commercial Floorspace & Effect on the Caledonian Road LSA

29. The appeal site is located within the Caledonian Road Local Shopping Area. Policy R4 of the SDMP requires all proposals within a LSA to maintain and enhance the retail and service function of LSAs. It further states that applications for change of use of Class E floorspace to a residential use must meet certain criteria.

30. The appellant states that the lower ground floor of the building is currently underutilised. However, there is some ambiguity about the current or previous use of the lower ground floor of the appeal building. Whilst the appellant states that it is an ancillary use, there is limited substantive evidence of it being used for commercial purposes. On this basis, I am satisfied that the loss of this floorspace would not harm the use of the existing ground floor premises.
31. Whilst I am aware of proposals for the change of use of the ground floor commercial space, this does not form part of the appeal proposal. Therefore, I find that the use of the basement for residential purposes does not harm the vitality, viability, character, vibrancy and function of the area and does not create a harmful break in the active frontage of the LSA. Furthermore, given that residential uses already exist within the building, it would be consistent with the 'agent of change' principle.
32. Nonetheless, for the reasons set out above I have concluded that the development would not provide high quality accommodation for future occupiers and therefore it would fail to comply with Policy R4d(vi) which requires a high standard of amenity to be provided. Thus, there would be conflict with Policy R4 taken as a whole.

Other Matters

33. The appeal site is located in the Barnsbury Conservation Area (BCA). I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
34. The significance of the BCA is derived from being an area which contains many of the best examples of formal late-Georgian/early Victorian residential developments in London. Its significance also lies in the shopping frontages on Liverpool Road and Caledonian Road which provide local services and are an important contribution to the character of the area.
35. The Council concluded that the development would have a neutral effect on the character and appearance of the Barnsbury Conservation Area. Based on the evidence before me and my own observations, I see no reason to disagree. Therefore, I find that the development preserves the character and appearance of the BCA.

Conclusion

36. For the above reasons, the proposed development conflicts with the development plan taken as a whole. There are no material considerations of sufficient weight which indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed, and planning permission is refused.

K Lancaster

INSPECTOR